HON'BLE SRI JUSTICE D.S.R.VARMA
AND
HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO. 23954 OF 2006

Between:

Smt A. Kalavathi, W/o A. Shankar Rao, Hyderabad.

…Petitioner

AND

1. The Circle Inspector of Polce, Nallakunta Police Station, Hyderabad and one another.

….Respondents

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ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'Telegram', dated 14.11.2006, addressed to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, by one Smt. A.Kalavathi, W/o. A. Shankar Rao, Hyderabad, alleging that her husband by name A. Shankar Rao and her sons by name A. Srinivas Rao and A. Satish Kumar were illegally detained by the police, on 14.11.2006, and apprehending danger to their lives, she seeks liberty to those persons with the intervention of this Court.

3. On notice being served, the Inspector of Police, Nallakunta Police Station, Hyderabad, filed a counter-affidavit, *inter alia*, stating that on 14.11.2006 at about 10.00 AM one Smt A.Lavanya W/o A.Ganeshwar Rao, lodged a written complaint stating that her brother-in-law A.Shankar Rao, alleged detenu No.1, along with his wife, who is none other than the petitioner herein, and his two sons, alleged detenus 2 and 3, have created nuisance and attempted to beat them by using vulgar language while demolishing the partition wall of their House. Basing on the said complaint, an entry had been made by Head Constable No.3567 in the General Diary of the Police

Station and deputed constable No.2676 to the house of the alleged detenus to summon them to the police station for the purpose of enquiry with regard to the allegations made in the said compliant. In obedience of the said directions of the police constable, the alleged detenus came to the police station and on a detailed enquiry, both parties were advised to approach the competent Civil Court for redressal since the matter is of civil nature.

4. At this stage itself, we are of the considered opinion that while referring to the police constable in the counter affidavit, it may not be proper to address them by their numbers. It is always expedient to address them by their names, if necessary, for the purpose of identification numbers can be mentioned in the brackets. We are only advising the police department to give a thought in this direction.

5. It is further brought to the notice of this Court that the alleged detenu No.1 did not attend the police station at all on 14.11.2006, therefore, no crime was registered and no investigation is required. Hence, we are of the view that the complaint made by the petitioner in this Writ Petition is purely motivated, and, therefore, the Writ Petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed, at the stage of admission. No order as to costs.

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D.S.R.VARMA, J

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P. SWAROOP REDDY, J

Dated: 27.11.2006

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